

Application No.: 10/712,920
Amendment dated: November 30, 2005
Reply to Office Action of September 12, 2005
Docket No.: 2802-152-018

REMARKS

Reconsideration of the above-identified patent application in view of the present amendment and the following remarks is respectfully requested.

Claims 1-3, 5, 6, 9-15, and 20 stand rejected as being obvious under 35 U.S.C. §103 over Spencer et al., U.S. Patent No. 3,589,752, in view of Warburton-Pitt, U.S. Patent No. 6,846,124. Claims 4 and 17 stand rejected as being obvious under 35 U.S.C. §103 over Spencer et al., Warburton-Pitt and further in view of Grau et al., U.S. Patent No. 6,010,162. Claims 7, 8, and 16 stand rejected as being obvious under 35 U.S.C. §103 over Spencer et al., Warburton-Pitt and further in view of Lodholm et al., U.S. Patent No. 3,174,777. Claim 18 stands rejected as being obvious under 35 U.S.C. §103 over Spencer et al., Warburton-Pitt, Lodholm and further in view of Grau et al. It is respectfully acknowledged that claim 19 was indicated as being allowable and claims 21-23 were indicated as being allowed.

This amendment amends claims 1-3, 6, and 8-9. It is respectfully submitted that the amendment to these claims places the application in a condition for allowance.

The M.P.E.P. sets forth the criteria for a rejection for obviousness as follows:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

See, MPEP § 706.02(j) *citing* In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 1 has been amended to recite that the base portion of the clip includes a support bar that is interposed between pincer fingers and an open portion located opposite the support bar. Neither Spencer nor Warburton-Pitt includes a base portion having an open portion located opposite a support bar, as is recited in claim 1. The collet 20 of Spencer et al. and the collar 42 of Warburton-Pitt both have annular base portions that do not include an open portion opposite a support bar, as set forth in claim 1. Since neither Spencer nor Warburton-Pitt teaches or suggests this feature of claim 1, a combination of the two references also fails to teach or suggest this feature. Therefore, claim 1 is allowable over Spencer et al. and Warburton-Pitt and allowance of claim 1 is respectfully requested.

Claims 2-8 depend from claim 1 and are allowable for at least the same reasons as claim 1. Additionally, claims 2-8 are allowable for the specific limitations of each claim.

Specifically, claim 3, as amended, recites that the support bar has a hinge-like first end attached to a first arm portion and a hinge-like second end attached to a second arm portion. The hinge-like first and second ends enabling radial expansion of the base portion. Neither Spencer et al. nor Warburton-Pitt has a support bar with hinge-like first and second ends that enable radial expansion of the base portion. Therefore, claim 3 is allowable over Spencer et al. and Warburton-Pitt and allowance of claim 3 is respectfully requested.

Claim 9, as amended, is allowable for reasons similar to claim 1. Specifically, claim 9, as amended, recites a base portion having an axial opening, a radial opening, a support bar with a first end and a second end, a first arm portion attached to the support bar first end having a first set of locating fingers and one of the at least two longitudinally extending legs and a second arm portion attached to the support bar second end having a second set of locating fingers and another of the at least two longitudinally extending legs. Claim 9 also recites that the radial opening is located between the first and second

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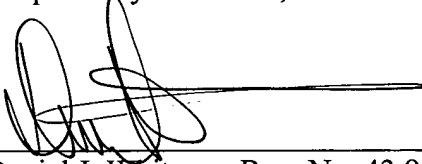
arm portions and opposite the support bar. As set forth above with regard to claim 1, neither Spencer nor Warburton-Pitt teach or suggest a base portion having a radial opening that is located between the first and second arm portions and opposite the support bar. Since neither Spencer nor Warburton-Pitt teaches or suggests this feature of claim 9, a combination of the two references also fails to teach or suggest this feature. Therefore, claim 9 is allowable over Spencer et al. and Warburton-Pitt and allowance of claim 9 is respectfully requested.

Claims 10-20 depend from claim 9 and are allowable for at least the same reasons as claim 9.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and Applicant(s) respectfully request that a timely Notice of Allowance be issued in this case.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Daniel J. Whitman', is written over a horizontal line.

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